

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR AN EXISTING ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM BURGESS & SUSAN GELLER, APPLICANTS).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Francisco Torregrosa **EXT.** 7387

**Agenda Date** 08-23-04 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR AN EXISTING ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM BURGESS & SUSAN GELLER, APPLICANTS); OR
2. **DENY** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR AN EXISTING ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT); (WILLIAM BURGESS & SUSAN GELLER, APPLICANTS); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

<b>GENERAL INFORMATION</b>	APPLICANTS: WILLIAM BURGESS & SUSAN GELLER LOCATION: 103 SQUIRREL TRAIL ZONING: R-1AAA (SINGLE-FAMILY DWELLING DISTRICT)
<b>BACKGROUND/ REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANTS CONSTRUCTED AN ADDITION TO AN EXISTING HOME THAT ENCROACHES 20 FEET INTO THE MINIMUM 30 FOOT REAR YARD SETBACK; THE AFOREMENTIONED REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET IS THEREBY REQUESTED.</li> <li>• THERE IS NO RECORD OF PRIOR VARIANCES HAVING BEEN GRANTED FOR THIS PROPERTY.</li> </ul>
<b>STAFF FINDINGS</b>	THE APPLICANTS HAVE FAILED TO SATISFY THE CRITERIA FOR THE GRANT OF A VARIANCE. STAFF HAS DETERMINED THAT: <ul style="list-style-type: none"> <li>• NO SPECIAL CIRCUMSTANCES APPLICABLE TO THE PROPERTY OR EXISTING ADDITION HAVE BEEN</li> </ul>

	<p>DEMONSTRATED.</p> <ul style="list-style-type: none"><li>• THE ADDITION COULD HAVE BEEN BUILT ON THE REAR OF THE EXISTING HOUSE OR REDUCED IN SIZE TO COMPLY WITH THE MINIMUM SETBACK REQUIREMENTS.</li><li>• THE REQUEST WOULD CONFER UPON THE APPLICANT SPECIAL PRIVILEGES THAT WOULD BE DENIED TO OTHERS IN THE R-1AAA DISTRICT.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>BASED ON THE PROPOSED SITE PLAN AND THE REPRESENTATIONS OF THE APPLICANT, STAFF RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE REQUEST. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING ADDITION AS DEPICTED ON THE ATTACHED SITE PLAN; AND</li><li>• ANY ADDITIONAL CONDITIONS DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT  
 PLANNING DIVISION  
 1101 EAST FIRST STREET  
 SANFORD, FL 32771  
 (407) 665-7444 PHONE (407) 665-7385 FAX APPL. NO. BV2004-121

### APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division.

#### APPLICATION TYPE:

**VARIANCE** REAR YARD SETBACK VARIANCE from 30' to 10'  
(IN HEAVILY WOODED BACK YARD) FOR AN EXISTING ADDITION.  
**SPECIAL EXCEPTION**

**MOBILE HOME SPECIAL EXCEPTION**

**EXISTING** ☐ **PROPOSED** ☐ **REPLACEMENT** ☐

MOBILE HOME IS FOR

YEAR OF MOBILE HOME \_\_\_\_\_ SIZE OF MOBILE HOME \_\_\_\_\_

ANTICIPATED TIME MOBILE HOME IS NEEDED \_\_\_\_\_

PLAN TO BUILD ☐ YES ☐ NO ☐ IF SO, WHEN \_\_\_\_\_

MEDICAL HARDSHIP ☐ YES (LETTER FROM DOCTOR REQUIRED) ☐ NO

**APPEAL FROM DECISION OF THE PLANNING MANAGER**

RECEIVED

JUL 01 2004

	PROPERTY OWNER	AUTHORIZED AGENT
NAME	William Burgess / Susan Geller	
ADDRESS	103 SQUIRREL TRAIL	
	Longwood, FL 32779	
PHONE 1	407-774-0277 (H)	
PHONE 2	407-849-2052 (W)	
E-MAIL	TWINS1107@EARTHLINK.NET	

PROJECT NAME: COVERED DECK/LANAI by POOL

SITE ADDRESS: 103 SQUIRREL TRAIL - Longwood

CURRENT USE OF PROPERTY: PERSONAL RESIDENCE Wm Burgess / Susan Geller

LEGAL DESCRIPTION: LOTS 30 + 30A BLOCK E

SWEET WATER OAKS SECTION 5 PLAT Book 19

SIZE OF PROPERTY: 3/4 acre PARCEL I.D. 32-20-29-5DK-0500-0300

N/A UTILITIES: ☐ WATER ☐ WELL ☐ SEWER ☐ SEPTIC TANK ☐ OTHER \_\_\_\_\_

KNOWN CODE ENFORCEMENT VIOLATIONS N/A

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on AUG 23, 2004 (6 PM)  
 (mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

William C Burgess / Susan Geller 7-1-04  
 SIGNATURE OF OWNER OR AGENT DATE

\* Proof of owner's authorization is required with submittal if signed by agent.

I:\p\projects\boa\master forms & lists\boa applications\boa application.doc

# ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

VARIANCE 8:

## APPEAL FROM BOA DECISION TO BCC

	PROPERTY OWNER	AUTHORIZED AGENT *
NAME		
ADDRESS		
PHONE 1		
PHONE 2		
E-MAIL		

NATURE OF THE APPEAL

BCC PUBLIC HEARING DATE

FOR OFFICE USE ONLY

PROCESSING:

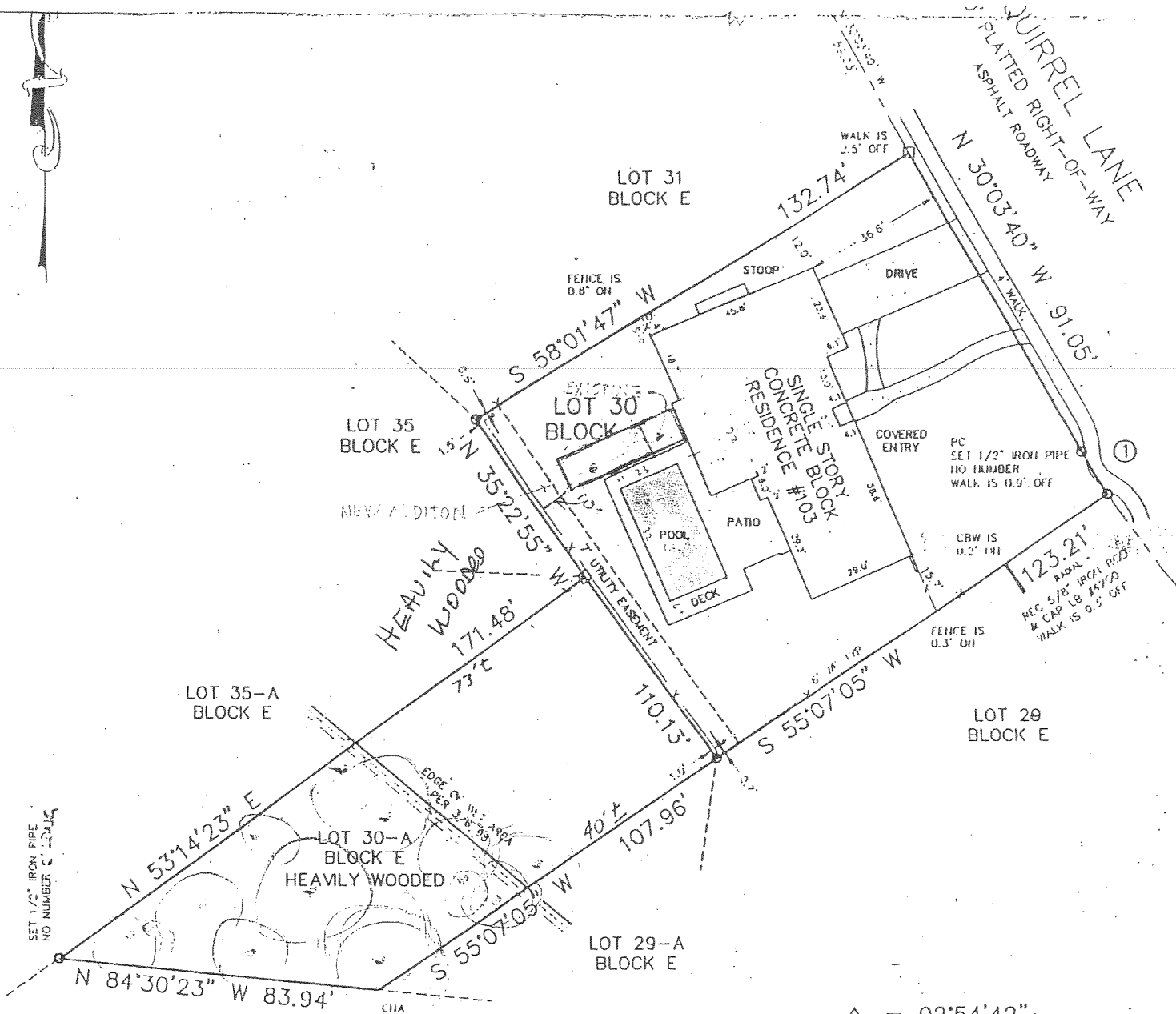
FEE: \$150 COMMISSION DISTRICT 3 FLU/ZONING LDR/ R-1AAA

LOCATION FURTHER DESCRIBED AS ON SW SIDE OF SQUIRREL TR  
APPROX. 0.1 MI. WEST OF S. SWEETWATER BLVD.

PLANNER VB

DATE JULY 1

SUFFICIENCY COMMENTS



①  $\Delta = 02^{\circ}54'42''$   
 $R = 249.43'$   
 $L = 12.68'$   
 $CB = S 31^{\circ}31'01'' E$

CERTIFIED TO:  
 WILLIAM C. BURGESS  
 SUSAN M. GELLER  
 BARNETT BANK OF CENTRAL FLORIDA P.L.A.  
 BENCHMARK TITLE AGENCY  
 COMMONWEALTH LAND TITLE INSURANCE COMPANY

LEGEND:

□	DENOTES REC 4" x 4" CONCRETE MONUMENT - NO NUMBER	LS	LAND SURVEYING BUSINESS
○	DENOTES SET 1/2" IRON ROD & CAP LB #3033	LS	LAND SURVEYOR
R	DENOTES RADII	PRM	PERMANENT REFERENCE MONUMENT
Δ	DENOTES DELTA ANGLE	PCP	PERMANENT CONTROL POINT
L	DENOTES ARC LENGTH	PI	POINT OF INTERSECTION
CB	CHORD BEARING	PT	POINT OF TANGENCY
---	RIGHT OF WAY LINE	PC	POINT OF CURVATURE
(P)	PER PLAT	CLF	CHAIN LINK FENCE
(M)	MEASURED	WF	WOOD FENCE
REC	RECOVERED	TYP	TYPICAL
■	CONCRETE	A/C	AIR CONDITIONER
		CBW	CONCRETE BLOCK WALL
		RP	RADIUS POINT
		CIA	CORNER NOT ACCESSIBLE

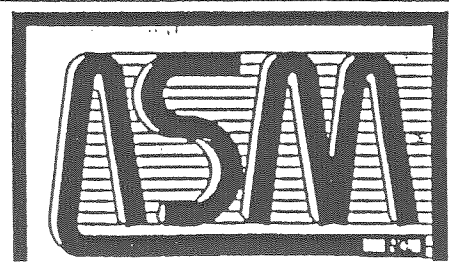
SHEET NO 2

I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL TO 120289 0110 E DATED 4/17/95 AND FOUND THE SUBJECT PROPERTY LIES IN ZONE X, AREA OF MINIMAL FLOODING.

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHERLY LINE OF LOT 30, BLOCK E BEING S 55°07'05" W PER PLAT.

(FIELD DATE:) 5/5/98  
 SCALE: 1" = 40 FEET 1/4" = 10'

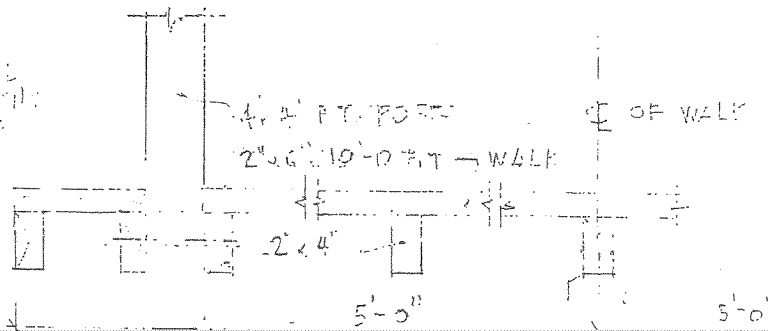
REVISION:



1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

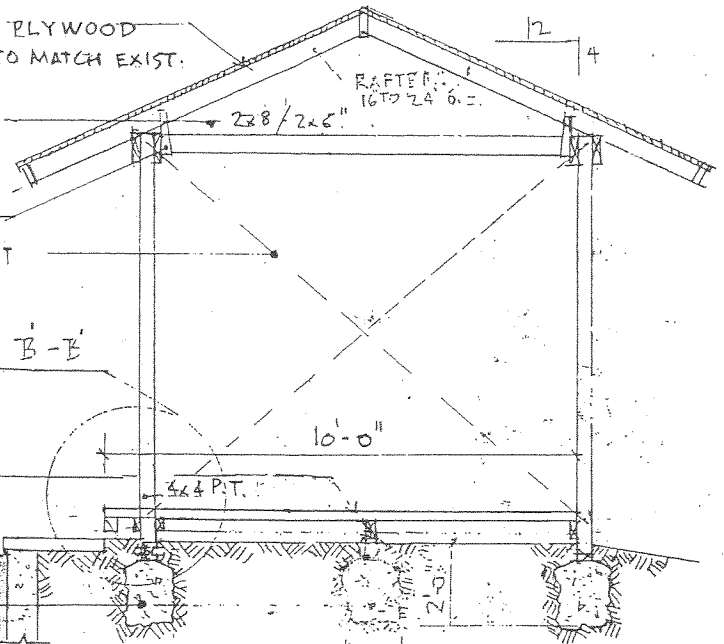
I hereby certify that we have performed a field survey of the person described property, for the purpose herein described, that this drawing

NOTES:  
ALL STRUCTURAL  
WD. CONN. & JOINTS  
TO BE BOLTED



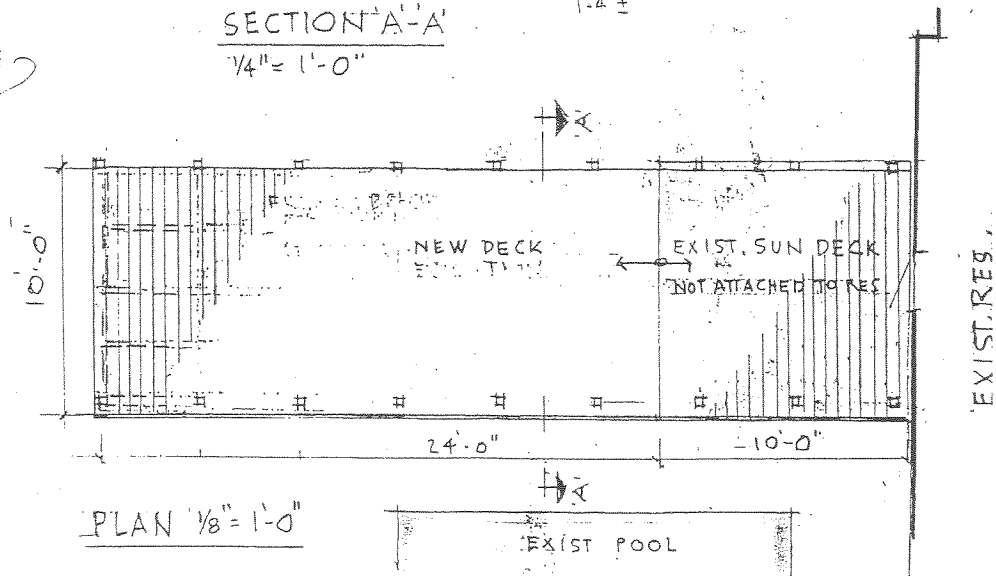
B-B  
SCALE = 1" = 1'-0"

ROOFING 3/8 TREATED 4'-0" x 8'-0" PLYWOOD  
2 PLY 30# BL. PAPER + SHINGLES TO MATCH EXIST.  
RAFTERS 2'-0" O.C.  
ALL STRUCTURAL MEMBERS  
2x4/4x4/2x6/2x8  
PRESSURE TREATED  
STEEL HANGERS  
DIAGONAL BRACING AT END UNIT



SECTION A-A'  
1/4" = 1'-0"

EXIST. FENCE




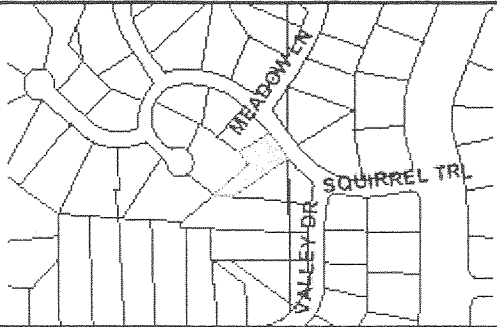

PLAN 1/8" = 1'-0"

24'-0" EXTENSION TO EXISTING 10' DECK

SHEET 1A

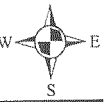
SCALE = 1/8" = 1'-0"

3

PARCEL DETAIL	REAL ESTATE	PERSONAL PROP.	TAX ROLL	SALES SEARCH	◀ Back ▶																																				
 <p><b>Seminole County</b> Property Appraiser Services 1101 E. First St. Sanford FL 32771 407-663-7506</p>																																									
<b>GENERAL</b> <b>Parcel Id:</b> 32-20-29-5DK-0E00-0300 <b>Tax District:</b> 01-TX DIST 1 - COUNTY <b>Owner:</b> BURGESS WILLIAM C & <b>Exemptions:</b> 00-HOMESTEAD <b>Own/Addr:</b> GELLER SUSAN M <b>Address:</b> 103 SQUIRREL TRL <b>City,State,ZipCode:</b> LONGWOOD FL 32779 <b>Property Address:</b> 103 SQUIRREL TRL LONGWOOD 32779 <b>Subdivision Name:</b> SWEETWATER OAKS SEC 05 <b>Dor:</b> 01-SINGLE FAMILY			<b>2004 WORKING VALUE SUMMARY</b> <b>Value Method:</b> Market <b>Number of Buildings:</b> 1 <b>Depreciated Bldg Value:</b> \$150,901 <b>Depreciated EXFT Value:</b> \$5,532 <b>Land Value (Market):</b> \$45,500 <b>Land Value Ag:</b> \$0 <b>Just/Market Value:</b> \$201,933 <b>Assessed Value (SOH):</b> \$157,759 <b>Exempt Value:</b> \$25,000 <b>Taxable Value:</b> \$132,759																																						
<b>SALES</b> <table border="1"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>03/1998</td> <td>03393</td> <td>0133</td> <td>\$152,500</td> <td>Improved</td> </tr> <tr> <td>QUIT CLAIM DEED</td> <td>04/1990</td> <td>02175</td> <td>1824</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1983</td> <td>01502</td> <td>1494</td> <td>\$138,500</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>08/1978</td> <td>01182</td> <td>0459</td> <td>\$77,000</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1978</td> <td>01162</td> <td>0384</td> <td>\$75,000</td> <td>Improved</td> </tr> </tbody> </table> <p>Find Comparable Sales within this Subdivision</p>			Deed	Date	Book	Page	Amount	Vac/Imp	WARRANTY DEED	03/1998	03393	0133	\$152,500	Improved	QUIT CLAIM DEED	04/1990	02175	1824	\$100	Improved	WARRANTY DEED	11/1983	01502	1494	\$138,500	Improved	WARRANTY DEED	08/1978	01182	0459	\$77,000	Improved	WARRANTY DEED	03/1978	01162	0384	\$75,000	Improved	<b>2003 VALUE SUMMARY</b> <b>Tax Value(without SOH):</b> \$2,859 <b>2003 Tax Bill Amount:</b> \$2,226 <b>Savings Due To SOH:</b> \$633 <b>2003 Taxable Value:</b> \$129,817 <b>DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</b>		
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<b>EXTRA FEATURE</b> <table border="1"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>FIREPLACE</td> <td>1975</td> <td>1</td> <td>\$800</td> <td>\$2,000</td> </tr> <tr> <td>POOL GUNITE</td> <td>1975</td> <td>512</td> <td>\$4,096</td> <td>\$10,240</td> </tr> <tr> <td>COOL DECK PATIO</td> <td>1975</td> <td>454</td> <td>\$636</td> <td>\$1,589</td> </tr> </tbody> </table>						Description	Year Blt	Units	EXFT Value	Est. Cost New	FIREPLACE	1975	1	\$800	\$2,000	POOL GUNITE	1975	512	\$4,096	\$10,240	COOL DECK PATIO	1975	454	\$636	\$1,589																
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<p><b>NOTE:</b> Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes.  <b>***</b> If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																									

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[PROPERTY APPRAISER  
HOME PAGE](#)
[CONTACT](#)

**William Burgess & Susan Geller  
103 Squirrel Trail**



Parcel: 32-20-29-5DK-0E00-0300 / District: 3

**BV2004-121  
August, 2004**

**1:2,500**



Wednesday, June 30, 2004

William C. Burgess/Susan Geller  
103 Squirrel Trail  
Longwood, Florida 32779


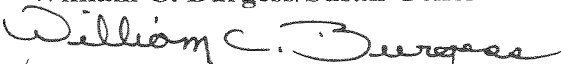
**Covered deck/lanai variance request**

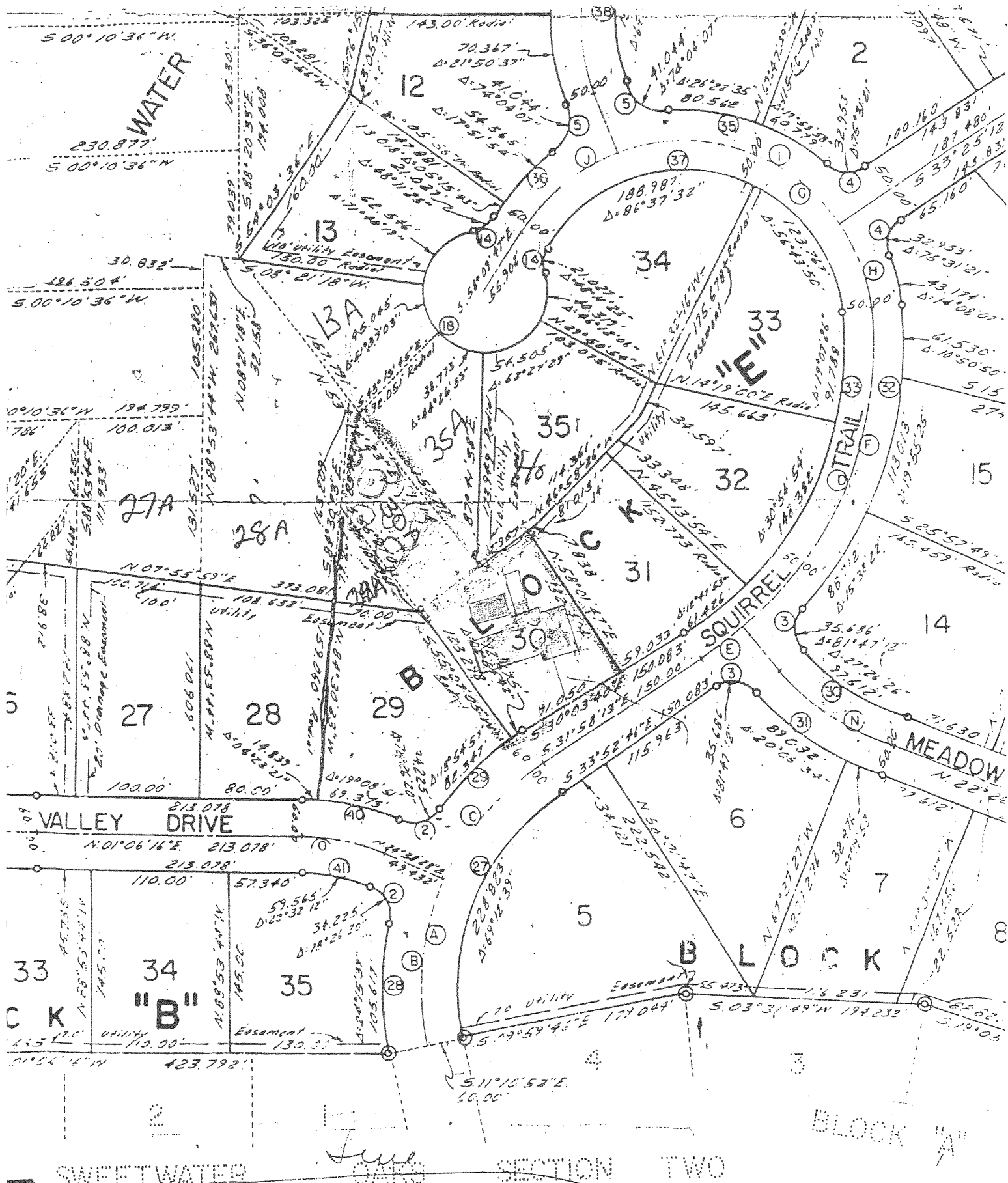
We are requesting a rear yard setback variance from 30' to 10 feet for a covered deck/lanai by our pool. This structure has no plumbing or electrical and no trees have been removed in the yard to facilitate the building of this. Our property in the Sweetwater Oaks subdivision is a double lot that backs up to heavily wooded area. This variance, in our opinion, would not be injurious to the neighborhood due to its location in our back yard.

Check for \$150 is attached, along with all other required information.

Thank you for your consideration

Sincerely,

  
William C. Burgess/Susan Geller  




P.B. 17

PR 15-17

LOCATION PLAN

24'-0" EXTENSION TO EXIST. 10'-0" SURVEY  
 FOR WILLIAM & BURGESS-SUDN BELT. LONGWOOD FL.

SHEET NO **1**

SCALE: 1"=100.0'

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On August 23, 2004, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LEG LOTS 30 + 30A BLK E SWEETWATER OAKS SEC 5 PB 19 PGS 1 TO 3

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** WILLIAM BURGESS & SUSAN GELLER  
103 SQUIRREL TRAIL  
LONGWOOD, FL 32779

**Project Name:** SQUIRREL TRAIL (103)

**Requested Development Approval:**

1. REAR YARD SETBACK VARIANCE FROM 30 FEET TO 10 FEET FOR AN EXISTING ADDITION IN THE R-1AAA (SINGLE-FAMILY DWELLING DISTRICT).

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Francisco Torregrosa, Planner  
1101 East First Street  
Sanford, Florida 32771

### Order

#### **NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  1. The variance granted will apply only to the existing addition as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE )

I **HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: